



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,393	12/15/2000	Joseph E. Augenbraun	WGATE6-7	8038

56015 7590 04/13/2006  
PATTERSON & SHERIDAN, LLP/  
SEDNA PATENT SERVICES, LLC  
595 SHREWSBURY AVENUE  
SUITE 100  
SHREWSBURY, NJ 07702

EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/736,393	<b>Applicant(s)</b> AUGENBRAUN ET AL.	
	<b>Examiner</b> Jason P. Salce	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 21-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-9 and 21-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5, 8-9, 21-22, 24-25 and 27-28 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Field et al. (U.S. Patent No. 6,018,764).

Referring to claim 1, Field discloses a system for broadcasting information over a television distribution network (see Column 3, Lines 44-47 for transmitting Internet data over broadcast channel in a television distribution network (see Figure 2 and Column 5, Lines 3-4)).

Field further discloses that the system includes a network headend (see headend 160 in Figure 2) for accessing information from one or more sources (see Figure 2 for the headend 160 accessing information from programming services 105 and broadcast web server 108 in Figure 2), and broadcasting said information (see headend 160 in

Figure 2 for broadcasting the information), at least a portion of said information associated with a plurality of video programs (see programming services 105 in Figure 2 and Column 5, Lines 6-9 for providing video programs to be distributed by headend 160).

Field further discloses that the system includes a plurality of downstream channels interfaced to said headend for transmitting a selected one of said video programs and said information (see Figure 2 for the headend 160, which contains multiple downstream channels interfaced to said sources and also note Column 5, Lines 35-37 for the headend 160 distributing the video programs and HTML data (see Column 5, Lines 9-14) over the downstream channels).

Field further discloses that the system includes a plurality of terminal devices for receiving said downstream channels (see terminal device 180 in Figure 2 and note Column 5, Lines 23-25 for distributing the HTML data and television programs to multiple customers through headend 160).

Field further discloses that a terminal device includes a tuner for receiving and selecting said downstream channels (see Column 7, Lines 42-48 for the use of a demodulator to tune to a television frequency that contains the desired television program and/or information).

Field further discloses that a terminal device includes a terminal processor for receiving an information request from a user (see Column 7, Lines 29-31 for the user providing an information request), and in response thereto, instructing the tuner to switch from selecting one of said downstream channels on which said selected video

Art Unit: 2623

program is transmitted to selecting, via one-way hyperlinking, one of said downstream channels on which said requesting information is being transmitted from said headend (see Column 6, Lines 15-39 for the mapping table, which contains the instructions needed to instruct the tuner/demodulator to tune to the proper channel containing the information requested by the user (also note Column 7, Lines 27-48) and revert to selecting said one of said downstream channels on which said selected video program is being transmitted for concurrently displaying said selected video program and said requested information (see Column 7, Line 60 through Column 8, Line 16).

Referring to claim 2, Field discloses that said terminal device further includes a memory containing a channel mapping database for identifying, for each of a plurality of possible information requests received from a user, a one of said channels on which said requested information is being transmitted from said headend (see again Column 6, Lines 15-39).

Referring to claim 5, Field discloses that said terminal device further includes a memory for storing said information data streams (see memory 210 in Figure 3 and Column 7, Lines 60-63), and a display manager for formatting said information for display on a video monitor interfaced to said terminal device (see combiner 250 in Figure 3 and Column 8, Lines 1-4).

Referring to claim 8, Field discloses that said requested information comprises Internet web page data, said web page having content that is related to said selected video program that is being received by said tuner at a time that said information

Art Unit: 2623

request is received by said terminal processor (see Column 5, Lines 41-52 and Column 8, Lines 13-16).

Referring to claim 9, Field discloses an input device for entering information requests into said terminal processor either through actuation of a button on said input device, or selection of an on-screen button displayed on a video image (see Column 7, Lines 16-26).

Referring to claims 21 and 25, see the rejection of claim 1.

Referring to claims 22 and 24, see the rejection of claims 2 and 5, respectively.

Referring to claims 27-28, see the rejection of claims 8-9, respectively.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-4, 7, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field et al. (U.S. Patent No. 6,018,764) in view of Mao et al. (U.S. Patent No. 6,886,178).

Referring to claim 3, Field discloses all of the limitations in claim 2, as well as Field disclosing that said headend further includes at least a first multiplexer for multiplexing a plurality of information data streams on one of said downstream channels (see multiplexer 115 in Figure 2), each of said information data streams containing

Art Unit: 2623

information identified by a corresponding one of said plurality of information requests (see Column 7, Lines 29-41), but fails to teach that said channel mapping database further includes timing information identifying a time slot in a multiple time slot sequence when each of said information data streams is to be transmitted.

Mao discloses a system for broadcasting web pages to clients, where each web page is assigned a start and end time and that the control map further contains a start time for each web page that can be requested by the user (see Tables 3-5 and Column 9, Line 31 through Column 10, Line 32) therefore teaching that the channel mapping database further includes timing information identifying a time slot in a multiple time slot sequence (the video program) when each of said information data streams is to be transmitted.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the control map, as taught by Field, using the control map with start and end times, as taught by Mao, for the purpose of providing HTML Web pages that are synchronized to the content of the broadcast video program (see Column 10, Lines 30-32 of Mao).

Claim 4 corresponds to claim 3, where Mao further discloses that said terminal processor is further programmed to identify from said channel mapping database, a time at which said one of said information data streams containing said requested information is to be transmitted on said one of said downstream channels, and for instructing said tuner to select one of said downstream channels at said time (see Column 7, Line 36 through Column 8, Line 45 and the rejection of claim 3 for the Web

Art Unit: 2623

page data streams containing a start and end time to inform the system of when the web page is available/transmitted to the viewer).

Referring to claim 7, Field discloses all of the limitations in claim 1, and further discloses that the headend further includes an encoder for digitally encoding information data streams to be broadcast (see Column 6, Lines 7-9 for the transport stream carrying the web pages and video programs, which can be encoded using the MPEG standard, therefore Field would have to digitally encode the information streams to be broadcast if the MPEG standard is conformed to) and that the terminal device further includes a decoder for decoding said information data streams (see Column 6, Lines 54-61 and decoder 184 in Figure 2), but fails to teach that the encoder is programmed to generate a full image frame periodically to facilitate synchronization of said decoder with said encoded data stream.

Mao discloses an encoder that is programmed to generate a full image frame periodically to facilitate synchronization of said decoder with said encoded data stream (see Column 6, Lines 60-64 for transmitting the web pages and television programs in accordance with the MPEG-2 standard, which provides I, P and B frames periodically and Column 10, Lines 26-32 for the web pages being synchronized with the television programs).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the encoder, as taught by Field, using the MPEG-2 encoder, as taught by Mao, for the purpose of providing a mass quantity of simultaneous Internet access requests without requiring an excessive number of



Art Unit: 2623

simultaneous telephone connections at the remote Internet web site (see Column 3, Lines 14-17 of Mao).

Referring to claim 23, see the rejection of claim 4.

Referring to claim 26, see the rejection of claim 7.

4. Claims 6 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field et al. (U.S. Patent No. 6,018,764) in view of Bendinelli et al. (U.S. Patent No. 6,061,719).

Referring to claim 6, Field discloses all of the limitations in claim 5, but fails to teach the specific method of displaying the information stored in said memory and the selected video program being a picture-in-picture mode.

Bendinelli discloses a picture-in-picture application used to display web content information and a selected television program simultaneously (see Figure 3 and Column 5, Lines 33-40).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the receiver, as taught by Field, to include a PIP application, as taught by Bendinelli, for the purpose of displaying a web page in a portion of the video screen that avoids a high-level of obstruction of the video program being viewed by the user.

Referring to claim 25, see the rejection of claim 6 and further note the rejection of claim 1 (see above).

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

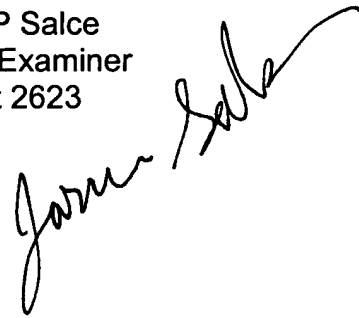
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce  
Patent Examiner  
Art Unit 2623

A handwritten signature in black ink, appearing to read "Jason Salce", written in a cursive style.

April 4, 2006